

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

TONY GLEN MARK,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-11-426-M
	)	
DR. MIKE JACKSON, M.D., et al.,	)	
	)	
Defendants.	)	

**ORDER**

On March 12, 2012, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983. The Magistrate Judge recommended the following: (1) defendants Roof and Dr. Kilbury should be granted summary judgment for nonexhaustion of administrative remedies on Count Three; (2) defendants Roof and Dr. Kilbury should be granted summary judgment on the claims in Count One involving denial of Interferon treatment and referral to a liver specialist, and (3) defendants Roof and Dr. Kilbury should be denied summary judgment with respect to the claims in Count One involving a delay in Interferon treatment and in Count Two for denial of narcotic pain medication. The parties were advised of their right to object to the Report and Recommendation by March 24, 2012. On March 20, 2012, plaintiff filed an Objection in Part to Report and Recommendation.

Having carefully reviewed this matter de novo, the Court:

- (1) ADOPTS the thorough and well-reasoned Report and Recommendation issued by the Magistrate Judge on March 12, 2012, and
- (2) GRANTS IN PART and DENIES IN PART defendants Roof and Dr. Kilbury's motion for summary judgment [docket no. 27] as follows:
  - (a) The Court GRANTS the motion for summary judgment as to the claims in Count One involving denial of Interferon treatment and referral to a liver specialist and the claims in Count Three, and

- (b) The Court DENIES the motion for summary judgment as to the claims in Count One involving a delay of Interferon treatment and the claims in Count Two for denial of narcotic pain medication.

**IT IS SO ORDERED this 28th day of March, 2012.**

  
VICKI MILES-LAGRANGE  
CHIEF UNITED STATES DISTRICT JUDGE